



EUROPEAN COMMISSION
DIRECTORATE-GENERAL FOR AGRICULTURE AND RURAL DEVELOPMENT

Directorate F – Outreach, Research & Geographical Indications
The Director

Brussels
AGRI.F.3/

Dear Sir,

Thank you for your letter of 15 December 2023 concerning the proposed introduction of a "Digital Passport" system for Italian products with protected designations of origin and protected geographical indications (PDO/PGI products). Please accept my apologies for the delayed response.

In your letter, you inquire about the activation of ex officio protection measures under Regulation (EU) No 1151/2012 in response to violations related to the proposed "Digital Passport" system for PDO/PGI products. Specifically, you seek clarification on whether the failure to comply with the obligation to use the "Digital Passport", envisaged to be included in the control plan as a mechanism to guarantee traceability, could constitute a violation of the use of a PDO/PGI and could trigger punitive measures.

We understand from your letter that the "Digital Passport" will not be defined at national level and would not apply to all PDO/PGI products, but only to some of them. You also mentioned that the "Digital Passport" complements other technologies and is combined with a "seal" that would be placed on the packaging of products.

In accordance with Article 50 of Regulation (EU) 2024/1143, which repealed Regulation (EU) No 1151/2012, any specific rules concerning packaging and labelling shall be specified in the Single document of the geographical indication. In accordance with Article 49 of the same regulation, product specification may also include any specific labelling rules or other applicable requirements, where provided for by Member States or by a producer group.

Controls of geographical indications are carried out to ensure compliance with their respective product specification and single document, both at production stage and after the PDO/PGI products have been placed on the market. In line with Article 38 of Regulation (EU) 2024/1143 and with the general rules on official controls laid down in Regulation (EU) 2017/625, controls of PDO/PGI are carried out on the basis of a control plan specific to the PDO or PGI product, specifying the organisation, methodology and frequency of controls, as well as the list of elements to be checked to ensure that the

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PDO/PGI product complies with its product specification. Therefore, the control plan may not impose specific labelling obligations on producers that are not firstly specified in the product specification or in the single document.

Finally, in order to ensure the protection of GIs, Article 42(3) of Regulation (EU) 2024/1143 (like its predecessor Article 13(3) of Regulation (EU) 1151/2012) empowers Member States to take appropriate administrative and judicial steps to prevent or stop the unlawful use of PDOs or PGIs designating products or services that are produced, provided or marketed in that Member State, or intended for export to third countries.

The present opinion is provided based on the facts as set out in your letter and expresses the view of the Commission services and does not commit the European Commission. In the event of a dispute involving European Union law, it is for the Court of Justice of the European Union to provide a definitive interpretation of the applicable European Union law.

Yours faithfully,

A large rectangular grey box redacting the signature of the official.

Diego CANGA FANO